REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-7, 9, 11-13 and 15 are pending and stand rejected.

Claim 1 has been amended.

Claims 1-7, 9, 11-13 and 15 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-7, 9-13 and 15 stand rejected under 35 USC §103(a) as being unpatentable over Sindhu (USP no. 5,440,698) in view of Foster (USP no. 6,202,007) and further in view of Denneau (USPPA 2003/00287247).

With regard to the rejection of the claims under 35 USC §112, second paragraph, applicant respectfully disagrees with and explicitly traverses the reason for the rejection. However, in order to advance the prosecution of this matter, claim 1 has been amended to more recite the subject matter claimed in better form. More specifically, claim 1 has been amended to recite the cache controller is contained in at least one node. No new matter has been added. Support for the amendment may be found at least on page 6, line 20 ("[p]referably, the node means are hubs.") and on page 12, lines 4-5 ("[s]uch cache control is implemented in a hub.").

For the amendment made to the claim, applicant submits that the reason for the rejection has been overcome.

With regard to the rejection of claims 1-7, 9-13 and 15 under 35 USC §103(a) as being unpatentable over Sindhu in view of Foster and further in view of Denneau, applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

In rejecting the claims, the Office Action refers to Sindhu for teaching the claim element "a cache controller for controlling at least a portion of the local

memory as a cache memory" in that Sindhu discloses the local memories 19 for storing data from other memory.

However, Sindhu fails to disclose the element of utilizing a portion of the local memory as a cache memory.

More specifically, Sindhu discloses the processors being connected to a cache memory 16 which is connected via bus 15 to a controller that may access a local memory 19. Cache memory 16 and 19 represent cache memory trees (see col. 5, lines 20-21) and Sindhu refers to memory 19 as a second level cache (see col. 5, line 38). Each of the memories 16 is connected via bus 15 and each of the memories 19 are connected to corresponding controllers.

Sindhu discloses the use of two separate memories that operate as a cache tree. However, Sindhu fails to disclose the allocation of a portion of the local memory 19 as a cache memory 16, as is recited in the claims.

In addition, the Office Action refers to col. 16, lines 44-52 for teaching the claim element "locally store a copy of data residing in other local memories reachable via a corresponding master port."

Sindhu disclose that the cache memory and local memories 19 monitor traffic of their respective host busses and performs a broadcast write whenever any processor updates a shared datum value. (see col. 16, lines 44-52). Figure 1 illustrates each of the cache memories 16 are connected to a corresponding bus 15.

However, this connection is through the master ports of each cache memory 16. Thus memories 16 may locally store data among other memories having access to the bus 15, but nowhere does Sindhu teach that data in local memory 19 is stored locally in cache memory 16. Sindhu fails to disclose that the data in different levels may be locally stored.

Hence, if the master port of cache 16 is believed to be connected to memory 19 (via bus 15), Sindhu fails to disclose that memory 16 may locally store a copy of data residing in other local memories (i.e. memory 19) reachable via one of the master ports of the node, as is now recited in the claims. That is, Sindhu fails to disclose that data in memory 19 may be locally stored in the cache

memories 16.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

The Court in *KSR v. Teleflex* (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in *Graham v. John Deere* (citation omitted).

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Sindhu, Foster and Denneau.

For the amendments made to the independent claim and for the remarks made herein, applicant submits that the rejection of the independent claim 1 has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the remaining claims, these claims depend from independent claim 1, which has been shown to include subject matter not disclosed by the combination of Sindhu, Foster and Denneau. Consequently, the remaining dependent claims are also not rendered obvious by Sindhu, Foster and Denneau as the remaining dependent claims also include subject matter not disclosed by the cited references.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. Applicant respectfully requests that a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action are conceded.

In this Amendment, applicant has amended claim 1. Applicant is not conceding that the subject matter encompassed by the claims, prior to this Amendment, is not patentable. Claim 1 was amended solely to facilitate expeditious prosecution of the patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims, as presented prior to this Amendment and additional claims in one or more continuing applications.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

No fees are believed necessary for the timely filing of this paper. However, if any fees are determined to be necessary for filing this paper, the Examiner is authorized to charge Deposit Account no. _____, for the payment of such fees.

Respectfully submitted,
Michael Belk, Reg. No. 33,357

Date: February 1, 2010   ___/Carl A. Giordano/___
                                           By: Carl A. Giordano
                                           Attorney for Applicant
                                           Registration No. 41,780

Mail all correspondence to:
Michael Belk, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9643
Fax: (914) 332-0615

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being
[   ] Transmitted by facsimile to 571 273 8300;
[   ] Electronically transmitted using EFS;
[   ] Placed with the US Postal Service with First Class postage attached to the address indicated above;
on February_____, 2010.

_____   _____
      Print Name   Signature